

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Asheville DIVISION
CIVIL CASE NO. 1:24-cv-00159-MR-WCM**

PAKUJA CRYSTAL VANG,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
VALDESE WEAVER, et al.,)	
)	
Defendants.)	
<hr style="width:40%; margin-left:0"/>)	

THIS MATTER is before the Court on the Plaintiff’s letter [Doc. 8], which the Court construes as a Motion for Reconsideration.

The Plaintiff originally filed the present action in Burke County Superior Court on April 25, 2024. [Doc. 1 at 2]. On May 28, 2024, Defendant Valdese Weaver removed the case to this Court pursuant to 28 U.S.C. §§ 1331, 1441(a). [Id. at 1, 4]. On July 23, 2024, the Defendant filed a pleading entitled “Motion to Dismiss, Answer, and Affirmative Defenses.” [Doc. 5]. Thereafter, on July 31, 2024, the Court, acting *sua sponte*, dismissed the Plaintiff’s Complaint as frivolous, malicious, and repetitive under 28 U.S.C. § 1915. [Doc. 7].

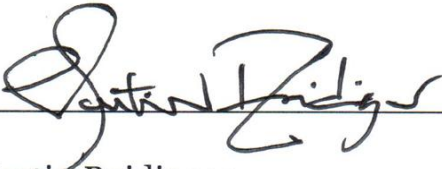
On August 2, 2024, the Court received the present letter from the Plaintiff, in which she states that she “ha[s] 14 days in to respond for a motion

of dismissal” and that she “would like to appeal this motion...” [Doc. 8 at 1] (errors uncorrected). The Court construes the Plaintiff’s letter as a motion for reconsideration of the Order dismissing her case.

Contrary to the Plaintiff’s contention, the Court did not dismiss this action pursuant to any motion filed by the Defendant.¹ Rather, the Court acted *sua sponte* pursuant to § 1915 and its inherent powers to manage its docket to dismiss the Plaintiff’s Complaint as frivolous, malicious, and repetitive. To the extent that the Plaintiff seeks reconsideration of that Order, the Court finds no basis in fact or in law to do so. Accordingly, the Plaintiff’s motion for reconsideration is denied.

IT IS, THEREFORE, ORDERED that the Plaintiff’s letter [Doc. 8], which the Court construes as a Motion for Reconsideration, is **DENIED**.

IT IS SO ORDERED. Signed: August 6, 2024



Martin Reidinger
Chief United States District Judge



¹ While the Defendant asserted grounds for dismissal under Rule 12 of the Federal Rules of Civil Procedure in its Answer [Doc. 5], this acted merely as a placeholder for a motion to dismiss to be filed at a later date. See LCvR 16.1(d).